UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,724	10/09/2001	Akihiko Toyoshima	50P4257.04	7817

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SUITE 3120	2687	

SAN DIEGO, CA 92101

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-30* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, and 5-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's arguments with respect to claim 1-31 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-3, 5-22 and 23-31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zegelin et al. (U.S. Patent #: 6,694,430) in view of Lee et al. (U.S.

Patent #: 6,728,531; hereinafter "Lee") and Lewis et al. (U.S. Patent #: 5,294,792;

hereinafter Lewis).

Regarding claim 1, Zegelin teaches an apparatus for managing data for a

wireless device (FIG. 2), comprising:

a first memory for storing received data of a wireless device (FIG. 2, block 62;

column 6, lines 1-22);

a second memory for storing a network operational file (FIG. 2,wireless module

block 50, memory block 76, column 6, lines 33-40)

instruction means for operating the network operational file (FIG. 2, MAC layer

chip block 70, column 6, lines 33-40). .

It should be noticed that, Zegelin fails to clearly teaches the features of

operational file consisting of instructions for selecting a destination using a

wireless module of said wireless device, and

sending the received data using the wireless module to the selected destination.

However, Lee teaches such limitations in column 6, lines 12-13, column 7, lines 38-43,

column 11, lines 48- 53 and column 12, lines 39-49 and FIG. 1 (the device can be

configured to select to transmit data to one of storage locations on the gateway 30,

which can both transmit and receive data from the multimedia device, via the wireless

broadband connections, or to one of a personal devices such as computer, PDA etc.

via narrow band connections) for conveniently saving information.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the use of the steps of

operational file consisting of instructions for selecting a destination using a

wireless module of said wireless device, and

sending the received data using the wireless module to the selected destination,

as taught by Lee, in view of Zegelin, in order to store user information at a safe location.

It should be further noticed that, Zegelin and Lee, in combination, fail to teach the

step of instruction means automatically sending the received data if the first memory

means exceeds a predetermined threshold. However, Lewis teaches such limitations in

column 4, lines 42-46 for sending data when the memory is nearly full or full.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the step of instruction means automatically sending the received data if the first memory means exceeds a predetermined threshold, as taught by, Lewis, into view of Lee an Zegelin, in order to prevent data losses.

Regarding claims 2, Zegelin further teaches limitations of the claims in (FIG. 2, column 4, lines 36-45).

Regarding claims 3, Zegelin further teaches limitations of the claims in column 6, lines 33-40, (IEEE 802.11 is a wireless protocol which can be configured to connect to a desired server in a network)

Regarding claims 5, Lee further teaches limitations of the claims in column 12, line 39-49 (cellular phones are capable of transferring data in real time).

Regarding claims 6, Lee further teaches such limitations in FIG. 1, column 5, lines 47-62 and column 6, lines 42-51 (a host, over the internet, provides information to the multimedia device by transferring data over a wireless network)

Regarding claims 7, Lee further teaches limitations of the claim in column 6, lines 42-51 (digital audio is broadcasted in real time).

Regarding claims 8, Lee further teaches limitations of the claims in column 12, lines 39-49.

Regarding claims 9, Lee further teaches limitations of the claims in column 2, lines 17-35.

Regarding claims 10, Lee further teaches limitations of the claims in FIG. 2 (radio

100 built in multimedia player 160) and column 8, lines 28-53.

Regarding claim 11, Zegelin teaches a system for managing data in a wireless

device, comprising:

a wireless module (FIG. 2, block 50).

at least one source of data stored in a memory module of said wireless module

(FIG. 2, block 62; column 6, lines 1-22).

a configuration means coupled to the memory module (FIG. 2, CPU 64)

It should be noticed that Zegelin fails to clearly teaches the feature of

configuration means transferring the stored data to a host device having an external

memory location. However, Lee teaches such limitations of the claim in column 6, lines

12-13, column 7, lines 38-43, column 11, lines 48- 53 and column 12, lines 39-49 and

FIG. 1 and FIG. 2 (e.g. server 200 having external memory means 198) for conveniently

saving information).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the use of the feature of a configuration

means coupled to the memory module; and wherein said configuration means

transferring the stored data to a host device having an external memory location, as

taught by Lee, in view of Zegelin, in order to store user information at a safe location.

It should be further noticed that, Zegelin and Lee, in combination, fails to teach

the step of instruction means automatically transferring the stored data if a data amount

in the memory module violates a threshold. However, Lewis teaches such limitations in column 4, lines 42-46 for sending data when the memory is nearly full or full.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the step of instruction means automatically sending the received data if the first memory means exceeds a predetermined threshold, as taught by, Lewis, into view of Lee an Zegelin, in order to prevent data losses.

Regarding claim 12, Lee further teaches limitations of the claim in column 12, lines 23-38.

Regarding claim 13, Zegelin further teaches limitations of the claim in column 6, lines 15-21.

Regarding claim 14, Lee further teaches limitations of the claim in column 12, lines 50-58 and column 11, lines 48-54 (for a larger amount of data, the system has to select a communication method with a faster data rate, similarly, with larger amount of data, the network system will be smart enough to alert user if the storage is full so another location can be selected).

Regarding claim 15, Lee further teaches limitations of the claim in column 11, lines 48-54 (the network system always alerts the user if the destination is not available so that another location can be selected).

Regarding claim 16, Lee further teaches limitations of the claim in column 11, lines 48-54, column 12, lines 39-49.

Regarding claim 17, Zegelin further teaches limitations of the claim in column 6, lines 33-40 (IEEE 802.11 is bidirectional wireless protocol).

Regarding claim 18, Lee further teaches limitations of the claim in column 12, line 39-49 (as a cellular phone, the device is capable of transferring and receiving digital data in real time).

Regarding claim 19, Lee further teaches limitations of the claim in FIG. 3, column 11, lines 38-54 (server 200 having external memory means 198).

Regarding claim 20, Zegelin teaches a method for managing data for a wireless device, comprising:

storing received data in a first memory of a wireless device (column 6, lines 1-14);

storing a network operational file in a second memory of a wireless module of the wireless device (column 12, line 22-39; Flash RAM 76 contains network conversion instruction);

instructing an operational file consisting of instructions, and operating by the instruction means the network operational file (column 12, line 22-39; MAC layer chip executes instructions stored in RAM 76).

It should be noticed that, Zegelin fails to clearly teaches the steps of

selecting a destination using a wireless module,

sending the received data using the wireless module to the selected destination. However, Lee teaches such limitations in column 6, lines 12-13, column 7, lines 38-43, column 11, lines 48- 53 and column 12, lines 39-49 and FIG. 1 (the wireless device can

be configured to select to transmit data to one of storage locations on the gateway 30,

which can both transmit and receive data from the wireless device, via the wireless

broadband connections, or to one of a personal devices such as computer, PDA etc.

via narrow band connections), for conveniently saving information.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the use of the steps of

selecting a destination using a wireless module,

sending the received data using the wireless module to the selected destination,

as taught by Lee, in view of Zegelin, in order to store user information at a safe location.

Regarding claim 21, Zegelin further teaches limitations of the claims in (FIG. 2,

column 4, lines 36-45).

Regarding claim 22, Zegelin further teaches limitations of the claims in column 6,

lines 33-40, (IEEE 802.11 is a wireless protocol which can be configured to connect to a

desired server in a network)

Regarding claim 23, Zegelin and Lee, in combination, teaches all subject matter

as claimed above, but fails to teach the step of instruction means automatically sending

the received data when the first memory means exceeds a predetermined threshold.

However, Lewis teaches such limitations in column 4, lines 42-46 for sending data when

the memory is nearly full or full.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the use of the step of instruction means

automatically sending the received data when the first memory means exceeds a

predetermined threshold, as taught by, Lewis, into view of Lee an Zegelin, in order to prevent data losses.

Regarding claim 24, Lee further teaches limitations of the claims in column 12, line 39-49 (cellular phones are capable of transferring data in real time).

Regarding claim 25, Lee further teaches such limitations in FIG. 1, column 5, lines 47-62 and column 6, lines 42-51 (a host, over the internet, provides information to the multimedia device by transferring data over a wireless network)

Regarding claim 26, Lee further teaches limitations of the claim in column 6, lines 42-51 (digital audio is broadcasted in real time).

Regarding claims 27, Lee further teaches limitations of the claims in column 12, lines 39-49.

Regarding claims 28, Lee further teaches limitations of the claims in column 2, lines 17-35.

Regarding claims 29, Lee further teaches limitations of the claims in FIG. 2 (radio 100 built in multimedia player 160) and column 8, lines 28-53.

Regarding claim 30, Zegelin teaches an apparatus for managing data for a wireless device, comprising:

a first memory means for storing received data of a wireless device (FIG. 2, block 62; column 6, lines 1-22);

a second memory means for storing a network operational file (FIG. 2,wireless module block 50, memory block 76, column 6, lines 33-40)

instruction means for operating the network operational file (FIG. 2, MAC layer

chip block 70, column 6, lines 33-40).

It should be noticed that Zegelin fails to clearly teaches the features of

operational file consisting of instructions for selecting a destination using a

wireless module of said wireless device, and

sending the received data using the wireless module to the selected destination.

However, Lee teaches such limitations in column 11, lines 48- 53 and column 12, lines

39-49, for a purpose of transmitting customized information.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the use of the steps of

operational file consisting of instructions for selecting a destination using a

wireless module of said wireless device, and

sending the received data using the wireless module to the selected destination,

as taught by Lee, in view of Zegelin, in order to store user information at a safe location.

4.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook

(U.S. Patent #: 6,788,332; hereinafter Cook) in view of Lewis.

Regarding claim 30, Cook teaches a digital camera system comprising (abstract):

a digital camera (FIG. 1, digital camera 10; and abstract);

a wireless transceiver coupled to the camera (FIG. 1, wireless transceiver 22);

a memory for storing digital photographs from the camera (FIG. 1, memory 20;

and column 2, lines 39-42).

It should be noticed that, Cook fails to teach the feature of data being automatically sent from the memory to a remote location by means of the wireless transmitter when an amount of data stored in the memory reaches a threshold. However, Lewis teaches such limitations in column 4, lines 42-46 for sending data when the memory is nearly full or full.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of data being automatically sent from the memory to a remote location by means of the wireless transmitter when an amount of data stored in the memory reaches a threshold, as taught by, Lewis, into view of Lee an Zegelin, in order to prevent data losses.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Vu whose telephone number is 703-305-3417. The examiner can normally be reached on 9:00AM-6:00PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-3900. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Thai Vu
Examiner
Art Unit 2687

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12/13/04
LESTER G. KINCAID
PRIMARY EXAMINER